

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE OR CHANGE

The agency identified below in box 1 provides notice of proposed rule or change pursuant to Utah Code Subsections 63-46a-4(2) and (4). Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

State of Utah Division of Administrative Rules (DAR) 4120 State Office Building; 450 North Main PO Box 141007 Salt Lake City, UT 84114-1007 Phone: (801) 538-3218, FAX: (801) 538-1773 State E-mail: <i>asdomain.asitmain.rules</i>	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td colspan="2">DAR file no.:</td></tr><tr><td>Utah Admin. Code ref. (R no.):</td><td>R156-1-106</td></tr><tr><td>Date filed:</td><td></td></tr><tr><td>Time filed:</td><td></td></tr><tr><td>Received by:</td><td></td></tr></table>	DAR file no.:		Utah Admin. Code ref. (R no.):	R156-1-106	Date filed:		Time filed:		Received by:							
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<p>1. Department: Commerce</p> <p>Agency: Occupational and Professional Licensing</p> <p>Room no., building: Heber M. Wells Building - 4th Floor</p> <p>Street address: 160 East 300 South</p> <p>Mailing address: PO Box 146741</p> <p>City, state ZIP: Salt Lake City UT 84114-6741</p> <p>Contact person: Laura Poe</p> <p>Telephone: (801) 530-6789</p> <p>FAX: (801) 530-6511</p> <p>Internet E-mail: lpoe@utah.gov</p> <p style="text-align: center;">(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)</p> <p>2. Title of rule or section (catchline):</p> <p>Division - Duties, Functions, and Responsibilities</p> <p>3. Type of notice:</p> <table style="width: 100%;"><tr><td style="text-align: center;">Proposed rules</td><td style="text-align: center;">New</td><td style="text-align: center;">X Amendment</td><td style="text-align: center;">Repeal</td></tr><tr><td></td><td colspan="3" style="text-align: center;">Repeal and reenact</td></tr></table> <p>Other rule types <input type="checkbox"/> Change in proposed rule (changes original proposed rule file no.: _____)</p> <p>4. Purpose of the rule or reason for the change:</p> <p>The Division needs to add another type of entity regarding who may obtain a licensure list with multiple licensees from the Division.</p> <p>5. This rule or change is a response to comments by the Administrative Rules Review Committee.</p> <table style="width: 100%;"><tr><td style="text-align: right;">_____</td><td style="text-align: center;">Ye</td><td style="text-align: center;">X</td><td style="text-align: center;">No</td></tr><tr><td></td><td style="text-align: center;">s</td><td></td><td></td></tr></table> <p>6. Summary of the rule or change:</p> <p>Adds to Subsection R156-1-106(1) the category of health care facilities or third party credentialing services, for the purpose of verifying licensure, as a category of persons who may obtain a licensure list with multiple licensees.</p> <p>7. Aggregate anticipated cost or savings to:</p> <p style="text-align: center;">The Division will incur minimal costs, approximately \$50, to reprint the rule once the proposed</p>		Proposed rules	New	X Amendment	Repeal		Repeal and reenact			_____	Ye	X	No		s		
Proposed rules	New	X Amendment	Repeal														
	Repeal and reenact																
_____	Ye	X	No														
	s																

State budget:	amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.		
Local government:	The proposed amendment would allow a county owned hospital to request a licensure list for the purpose of verifying licensure for the credentialing of providers. The list costs \$5.00 for the first 300 names and .04 per name thereafter.		
Other persons:	Any regulated health care facility or credentialing body could obtain a list at a cost of \$5.00 for the first 300 names and .04 per name thereafter. The cost of a specific list would be dependent upon the size of the population.		

8. Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

To obtain a list containing multiple licensees for those persons specified in R156-1-106(1), the cost is \$5.00 for the first 300 names and .04 per name thereafter. The total cost of the list would be dependent upon the size of the population.

9. Comments by the department head on the fiscal impact the rule may have on businesses:

There appears to be no fiscal impact to businesses as a result of this rule change, which allows licensed health care facilities or third party credentialing services, to obtain multiple licensure lists for verification of licensure status or credentialing. Klare Bachman, Executive Director

10. This rule or change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required):	Subsection 58-1-106(1)(a)		
Federal citations (optional):			

11. This rule or change adds or updates an incorporated reference (submit a copy to DAR):

	Ye	X	No
	s		

Reference title and date of issue or edition:

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the *Utah State Bulletin*. See Section 63-46a-5 and Rule R15-1 for more information.)

Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): 1/14/2004

A public hearing (optional) will be held on (mm/dd/yyyy): at (time):

at (place):

13. This rule or change may become effective on (mm/dd/yyyy): 1/15/2004

14. Indexing information - keywords (maximum of four, in lower case):

diversion programs, licensing, occupational licensing

15. Indexing information - affected industries (two-digit SIC codes):

n/a

16. Attach a WordPerfect document containing the text of this rule or change (filename): R156-1.pro

To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms may be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:	J. Craig Jackson, Director	Date (mm/dd/yyyy):	11/24/2003
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R156. Commerce, Occupational and Professional Licensing.

R156-1. General Rules of the Division of Occupational and Professional Licensing.

R156-1-106. Division - Duties, Functions, and Responsibilities.

(1) In accordance with Subsection 58-1-106(2), the following responses to requests for lists of licensees may include multiple licensees per request and may include home telephone numbers and home addresses, subject to the restriction that the addresses and telephone numbers shall only be used by a requester for purposes for which the requester is properly authorized and shall not be sold or otherwise redisclosed by the requester:

(a) responses to requests from another governmental entity, government-managed corporation, a political subdivision, the federal government, another state, or a not-for-profit regulatory association to which the division is a member;

(b) responses to requests from an occupational or professional association, private continuing education organizations, trade union, university, or school, for purposes of education programs for licensees;

(c) responses to a party to a prelitigation proceeding convened by the division under Title 78, Chapter 14;[-and]

(d) responses to universities, schools, or research facilities for the purposes of research; and

(e) responses to requests from licensed health care facilities or third party credentialing services, for the purpose of verifying licensure status for credentialing or reimbursement purposes.

(2) In accordance with Subsection 58-1-106(3)(a), the division may deny a request for an address or telephone number of a licensee to an individual who provides proper identification and the reason for the request, in writing, to the division, if the reason for the request is deemed by the division to constitute an unwarranted invasion of privacy or a threat to the public health, safety, and welfare.

(3) In accordance with Subsection 58-1-106(3)(c), proper identification of an individual who requests the address or telephone number of a licensee and the reason for the request, in writing, shall consist of the individual's name, mailing address, and daytime number, if available.

KEY: diversion programs, licensing, occupational licensing

[~~November 3, 2003~~]2004

58-1-106(1)(a)

Notice of Continuation May 2, 2002